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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Washington, D.C. 20231
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Jordan and Hamburg LLP
122 East 42nd Street
New York, NY 10168

In re Application of BRAGAGNOLO et al :
U.S. Application No.: 09/786,098 :
Int. Application No.: PCT/AU99/00707 :
Int. Filing Date: 31 August 1999 :
Priority Date: 21 August 1998 :
Attorney Docket No.: F-6863 :
For: PANEL MOUNTING FRAME AND METHOD :

DECISION

This is in response to applicant's "Petition Under 37 CFR §1.182" filed 06 June 2002.

BACKGROUND

On 31 August 1999, applicants filed international application PCT/AU99/00707, which claimed priority of an earlier Australia application filed 31 August 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 09 March 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 17 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 February 2001.

On 28 February 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, an authorization to charge the basic national fee required by 35 U.S.C. 371(c)(1), an "Inventor Information Sheet", and the present request.

On 17 May 2001, applicants filed two executed declarations.

On 03 August 2001, this Office mailed a decision which indicated that the name of the second inventor listed in the international application does not match that listed on the declarations.

On 10 September 2001, applicants filed a response to the 03 August 2001 decision.

On 25 January 2002, this Office mailed a communication which indicated that the name of the second inventor listed in the international application does not match that listed on the declarations filed 17 May 2001.

On 06 June 2002, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

A review of the application file reveals that the name of the second inventor is listed in the international application as "Noel Sydney David Wood" while the name is listed in the declaration as "Noel Sydney Davidson Wood". The petition states that the incorrect name was inadvertently used in the international application instead of the inventor's correct name, which is listed in the declaration. The petition is accompanied by the requisite petition fee of \$130.00 as well as statements from the inventor and the person having firsthand knowledge of the error. These statements set forth the specific circumstances as to how and when the error was made and set forth that the mistake was an inadvertent error without deceptive intent.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date of 31 August 1999 and a date under 35 U.S.C. 371 of 17 May 2001.

The application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision



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